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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,486

03/21/2005

Axel Hausen

979-089

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39600

7590

06/04/2008

SOFER & HAROUN LLP.

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EXAMINER

EPSTEIN, BRIAN M

ART UNIT

PAPER NUMBER

4176

MAIL DATE

DELIVERY MODE

06/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/509,486	<b>Applicant(s)</b> HAUSEN ET AL.	
	<b>Examiner</b> BRIAN EPSTEIN	<b>Art Unit</b> 4176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on September 27, 2004 (Preliminary Amdt).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on September 27, 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20041022 and 20041025</u>                                     | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Winn et al. (US 4,970,655).

3. As per **claim 1**, Winn teaches the method of delivering goods or services to a user, such as a temporary authorization to park an automobile vehicle, by an automatic terminal, such as a parking voucher dispenser, said method comprising the steps of:

a. identification of the user by the terminal (Abstract; Column 10, lines 17-25), and;

b. after identification of the user, automatic assignment by said terminal of particular conditions specific to the user for the delivery of goods or services (Column 11, lines 12-59).

4. As per **claim 2**, Winn further teaches, wherein said particular conditions relate more particularly to the price of or the method of payment for said goods or services (Column 11, lines 12-20).

5. As per **claim 3**, Winn further teaches, wherein said identification step includes comparing identification data supplied by said user with identification data stored at least partially in said terminal (Column 10, lines 17-21).

6. As per **claim 4**, Winn further teaches, wherein the identification data stored in said terminal is regularly downloaded from a remote server connected to said terminal by an appropriate telecommunication network (Column 10, lines 22-25; Column 10, lines 43-50).

7. As per **claim 5**, Winn further teaches, wherein said identification step includes comparing identification data supplied by said user to identification data stored in a remote server to which said terminal is connected by an appropriate telecommunication network (Column 10, lines 45-48).

8. As per **claim 6**, Winn further teaches, wherein said identification data supplied by said user includes the number of a payment card, said number being read by appropriate reading means of said terminal (Column 11, lines 20-30).

9. As per **claim 7**, Winn further teaches, wherein said identification data supplied by said user further comprises a number communicated to said terminal by said user by means of input means of said terminal (Column 9, lines 44-65);

10. As per **claim 8**, Winn further teaches, wherein said identification data supplied by said user further comprises the telephone number of said user (Column 9, lines 44-65).

Identification data in the form of the user's telephone number is non-functional

descriptive material. Examiner gives little weight to "telephone number of said user," and reads the claim limitation to read "further comprises a personal number."

11. As per **claim 9**, Winn further teaches, wherein said identification data supplied by said user further comprises the number of an information medium uniquely identifying the user, such as a loyalty card, said number being read by appropriate reading means of said terminal (Column 9, lines 44-65).

12. As per **claim 10**, Winn further teaches, wherein said identification data further comprises a password personal to said user. Identification data in the form of a password is non-functional descriptive material. Examiner gives little weight to "password personal to said user," and reads the claim limitation to read, "further comprises a personal number."

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fulcher et al. (US 6,505,774), teaches a similar automated fee collection system and method). Feagins, Jr. et al. (US 4,379,334), also teaches a similar automated fee collection system and method.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN EPSTEIN whose telephone number is (571)270-

5389. The examiner can normally be reached on Monday to Thursday 7:30am - 5:00pm Eastern Time.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571)-272-6787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. E./  
Examiner, Art Unit 4176  
May 12, 2008

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 4176